IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 23928 of 2004

Between:

No.13982955 Naik S S Suhag,
Military Hospital, Secunderabad (AP)

..... PETITIONER

AND

1 The Commandant, Military Hospital, Secunderabad (AP)
2 The Senior Registrar & Officer Commanding Troops Military Hospital, Secunderabad (AP).

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a direction, order or a Writ, more appropriately one in the nature of a WRIT OF MANDAMUS directing/declaring the action of the respondents herein "Declare the impugned proceedings Part1 Order Serial No.1460 dated
15-12-2004 directing the petitioner herein to cease living with his wife in Civil Area under own arrangements in accordance with the existing law on their subject and live in the Unit Bachelor Lines as being unjust, unreasonable, malicious, prejudiced exercise of powers for ulterior reasons and therefore violative of petitioners Fundamental Rights guaranteed under Article 14, 16 & 21 of the Constitution of India and thus ULTRA VIRES".

Counsel for the Petitioner:MR.VISHAL SAXENA

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (S.C. for Central Government and R.K.Suri, Assistant Standing Counsel)

The Court made the following :

ORDER:

Heard Sri Vishal Saxena, the learned counsel appearing for the petitioner and the learned standing counsel for Central Government appearing on behalf of the respondents.

In this writ petition, the petitioner seeks to assail the impugned proceedings dated 15.12.2004 as unjust.

Though the several contentions have been urged on behalf of the petitioner, however, having regard to the counter affidavit filed by all the respondents wherein it is stated specifically that the relief sought in the writ petition was already considered and to that effect necessary orders were accordingly passed through Daily Part-I Order No.05/2005, dated 01.01.2005. In view of the same, nothing survives in the writ petition.

Accordingly the writ petition is dismissed. No costs.

_____

B. PRAKASH RAO, J

14th March 2005.

Chvn.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1 The Commandant, Military Hospital, Secunderabad (AP)
2 The Senior Registrar & Officer Commanding Troops Military Hospital, Secunderabad (AP).

3 Two C.D. copies.